

ARKANSAS SUPREME COURT

No. CR 08-165

ROBERT WILLIAMS, III
Petitioner

v.

STATE OF ARKANSAS
Respondent

Opinion Delivered March 20, 2008

PRO SE MOTION FOR BELATED
APPEAL [CIRCUIT COURT OF
PULASKI COUNTY, CR 2004-1966,
HON. WILLARD PROCTOR, JR.,
JUDGE]

MOTION DENIED.

PER CURIAM

In 2004, petitioner Robert Williams, III, was found guilty by a jury of simultaneous possession of drugs and firearms, possession of cocaine with intent to deliver, possession of phencyclidine, possession of marijuana with intent to deliver, theft by receiving, and being a felon in possession of a firearm. He was sentenced to an aggregate term of 348 months' imprisonment. The Arkansas Court of Appeals affirmed. *Williams v. State*, 93 Ark. App. 353, 219 S.W.3d 676 (2005).

Subsequently, petitioner timely filed in the trial court a verified pro se petition pursuant to Ark. R. Crim. P. 37.1. The trial court denied the petition on May 23, 2006. Petitioner, proceeding pro se, now seeks leave to proceed with a belated appeal of the order.

Belated appeals in criminal cases are governed by Ark. R. App. P.–Crim. 2(e). The rule provides in pertinent part that “no motion for belated appeal shall be entertained by the Supreme Court unless application has been made to the Supreme Court within eighteen (18) months of the date of entry of judgment or entry of the order denying postconviction relief from which the appeal

is taken.” Petitioner filed the motion for belated appeal here on February 7, 2008. The eighteen-month period to file a motion for belated appeal in the case elapsed on November 23, 2007.

It is incumbent upon a petitioner to file a motion for belated appeal in a timely manner inasmuch as an untimely motion for belated appeal is subject to dismissal. *Hayes v. State*, 328 Ark. 95, 940 S.W.2d 886 (1997) (per curiam). As petitioner here failed to file the motion within the period allowed by Ark. R. App. P.–Crim. 2(a), the motion is dismissed.

Motion denied.